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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

LINDA WEIL, an individual;

Plaintiff,

vs.

WALMART INC., a Foreign Corporation, and ROE
ENTITIES I – X, inclusive,

Defendants.

CASE NO.: 2:21-cv-01631-JAD-EJY

**STIPULATION AND ORDER TO
CONDUCT DEPOSITIONS OUTSIDE OF
DISCOVERY CUT-OFF DEADLINE**

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:

Plaintiff LINDA WEIL (“Plaintiff”) and Defendant, WALMART INC. (“Defendant”), by and through their counsel of record, hereby stipulate and agree to take the depositions of the parties expert witnesses and any remaining fact witnesses after the close of discovery in the event that they are unable to complete the depositions before discovery deadline of May 30, 2022. Pursuant to Local Rule 6-1(b), the parties hereby aver that this is the first such extension requested in this matter with respect to taking depositions outside of the discovery cut-off deadline, that the requested extension will not alter any date previously set by the Court in this matter, and this request is made in good faith and not for purposes of delay.

I. DISCOVERY COMPLETED

- The parties have conducted an FRCP 26(f) conference and have served their respective FRCP26(a) disclosures;

- The parties have filed all required documents pursuant to ECF 2 to date;
- Plaintiff has provided provider specific authorizations;
- Defendant has served written discovery to Plaintiff;
- Plaintiff has served written discovery to Defendant;
- Plaintiff has responded to written discovery;
- Defendant has responded to written discovery;
- Deposition of fact witness Louis Ottero;
- Deposition of fact witness Josue Carias;
- Deposition of Plaintiff;
- Deposition of fact witness Dorthy Gaye Amussen;
- Plaintiff has conducted of a store inspection of Walmart;
- Disclosure of experts by both parties; and
- Plaintiff has noticed the depositions of remaining fact witnesses and Defendant's experts.

II. DISCOVERY TO BE COMPLETED

- Deposition of fact witness Rochelle McNally;
- Deposition of fact witness Ernest Rogers;
- Deposition of Defendant's 30(b)(6) witness; and
- Depositions of expert witnesses and rebuttal expert witnesses.
- And conduct any additional discovery as necessary.

III. REASONS WHY DISCOVERY HAS NOT BEEN COMPLETED

The parties have been working diligently to complete depositions and obtain discovery. While the remaining fact witnesses and Defendant's 30(b)(6) witness should be completed by the close of discovery, the parties experts and rebuttal experts are not available for their depositions

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1 until after the close of discovery which is set for May 30, 2022. Currently, Plaintiff has just
 2 received dates from Defendant's rebuttal experts, Dr. Giacobetti (available June 20, 2022 and
 3 August 29, 2022) and Dr. Skoog (available June 16 & 17, 2022) and is in the process of getting
 4 those depositions noticed. Additionally, the parties' counsel have been working diligently, with
 5 each other and the remaining experts and rebuttal experts, to get available dates to take the
 6 remaining depositions of these expert witnesses.
 7

8 Further, Defendant's counsel, Troy A Clark, Esq. underwent a surgical procedure on April
 9 26, 2022. This lead up to this procedure and recovery led to office absences in the week before and
 10 the week after the surgery. He is still recovering but there are complications and he returned to his
 11 physician out of course on may 5, 2022. Additionally, Plaintiff's counsel, which is a firm of only
 12 two (2) attorneys, has been operating with short staff, as the head paralegal unexpectedly had the
 13 birth of her child three (3) weeks earlier than anticipated and has been on maternity leave since
 14 April 20, 2022.
 15

16 The parties aver, pursuant to Local Rule 6-1, that good cause exists to conduct any
 17 remaining depositions, including the retained experts and rebuttal experts of the parties, outside of
 18 the discovery deadline. The parties have acted in good faith in bringing this request and have no
 19 intent, nor reason, to delay the resolution of this matter.
 20

21 DATED this 17th day of May, 2022

DATED this 17th day of May, 2022

22 **LAGOMARSINO LAW**

RESNICK & LOUIS P.C.

23 /s/ Cory M. Ford
 24 **ANDRE LAGOMARSINO, ESQ.**
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23 /s/ Troy A. Clark
 24 **TROY A. CLARK, ESQ.**
 25 **MATTHEW B. BECKSTEAD, ESQ.**
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Las Vegas, NV 89148
Attorney for Defendant Walmart Inc.

27 **IT IS SO ORDERED.**

28 
U.S. MAGISTRATE JUDGE

Dated: May 17, 2022